





455 Public Lands (Section 4(f), 6(f) and Forests)

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Key to Icons

-  Memorandum of understanding, memorandum of agreement, or interagency agreement.
-  Reference document, such as a manual, book, or published article.
-  Permit or application for a permit, approval or certification.
-  Web site.*

455.01 Introduction

This section includes information needed for projects that will affect Section 4(f) public lands and Section 6(f) outdoor recreation lands. These requirements often overlap with those for projects affecting historic properties (Section 106), and cultural and archaeological resources, which are discussed in [Section 456](#). See also [Section 411.09](#) for guidance on preparing Section 4(f) and Section 106 reports for NEPA projects.

The section also includes information needed for projects affecting state and national forest lands, which are designated for timber harvest. Projects affecting public forest lands are not subject to Section 4(f) or Section 6(f); however, other regulations apply.

* Web sites and navigation referenced in this section are subject to change. For the most current links, please refer to the online version of the EPM, available through the EAO home page: <http://www.wsdot.wa.gov/eesc/environmental/>

(1) Summary of Requirements

The major legislative mandates and requirements discussed in this section are:

Public Lands – Section 4(f) of the Department of Transportation Act of 1966 (49 USC 303) applies to projects using a significant publicly owned park, recreation area, wildlife or waterfowl refuge, or historic site (23 CFR 771.135). Section 4(f) may also apply to Wild and Scenic Rivers (see [Section 453](#)). Section 4(f) is not a SEPA requirement and should not be addressed in SEPA documents. Section 4(f) is a federal requirement and needs to be considered in any NEPA document (see [Section 411.09](#)). However, a NEPA action does not always require a 4(f) evaluation. For example, if there is no Section 4(f) nexus, the NEPA document need only explain that Section 4(f) does not apply to the project. Always consult with the Regional Environmental Manager if it is not clear whether or not Section 4(f) applies to a specific project.

Outdoor Recreation – Section 6(f) of the Land and Water Conservation Funds Act applies to conversion of outdoor recreation property acquired or developed with grant assistance from an Interagency Committee for Outdoor Recreation.

Forest Lands – An MOU between FHWA and the United States Forest Service (USFS) establishes procedures for coordinating transportation activities on National Forest Lands. Washington's Forest Practices Act applies to projects affecting state forest lands; a permit must be obtained from the Washington Department of Natural Resources (DNR).

(2) Abbreviations and Acronyms

Abbreviations and acronyms used in this section are listed below. Others are found in the general list in the appendix.

DNR Washington Department of Natural Resources
DOI United States Department of Interior
NF National Forest
USFS United States Forest Service

(3) Glossary

None.

455.02 Applicable Statutes and Regulations

Projects that involve impacts to public lands and/or national forest are subject to the state and federal regulations summarized below. Note that some of the following laws and regulations apply to historic and archeological sites as well as to other public lands. See [Section 456.02](#) for laws and regulations applying specifically to historic sites.

(1) National Environmental Policy Act/ State Environmental Policy Act

The National Environmental Policy Act (NEPA), 42 USC Section 4231, requires that all actions sponsored, funded, permitted, or approved by federal agencies undergo planning to ensure that environmental considerations such as impacts related to public lands are given due weight in project decision-making. The State Environmental Policy Act (SEPA) mandates a similar procedure for state and local actions. Federal implementing regulations are at 23 CFR 771 (FHWA) and 40 CFR 1500-1508 (CEQ). State implementing regulations are in WAC 197-11 and WAC 468-12 (WSDOT). For details see [Section 410](#) through [Section 412](#), particularly [Section 411.09](#).

(2) Section 4(f) - Department of Transportation Act and Implementing Regulations

Protection of certain public lands and all historic sites was originally mandated in Section 4(f) of

the 1966 Department of Transportation Act. This section was repealed in 1983 and later codified without substantive changes as 49 USC 303. However, it is still referred to as Section 4(f) in the FHWA Environmental Procedures (23 CFR 771) and popularly by many WSDOT staff.

Section 4(f) declares a national policy to preserve, where possible, “the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.” Highway projects can only cross these special lands if there is no feasible and prudent alternative and the sponsoring agency demonstrates that all possible planning to minimize harm has been accomplished. Visual resource mitigation may be required in certain instances as part of these plans.

Under Section 4(f), the FHWA and other USDOT agencies cannot approve the use of land from a publicly owned park, recreation area, or wildlife and waterfowl refuge, or any significant historic site, unless a determination is made that:

- There is no feasible and prudent alternative to using the property; and
- The proposed action includes all possible planning to minimize harm to the property resulting from such use.

In addition, before approving use of these lands for a transportation project, supporting information must demonstrate that there are unique problems or unusual factors involved in the use of alternatives that avoid these properties or that the cost, social, economic and environmental impacts, or community disruption resulting from such alternatives reach extraordinary magnitude.

In addition to mandating protection of certain land uses, FHWA rules require that when the project’s impacts in the proximity of the protected area are so severe that the resources’ activities, features, or attributes are substantially impaired, then Section 4(f) is also called into effect even if the project does not actually intrude into the protected use. Impacts may include:

- Resources affected by noise levels.
- Aesthetic features of the resource compromised by the transportation facility.
- Access restricted, substantially diminishing the utility of the resource.
- Vibrations impair use of the resource and diminish the value of wildlife habitat.

(3) Section 6(f)—Land and Water Conservation Funds Act

This statute applies to all projects which impact recreational lands purchased or improved with land and water conservation funds. The Secretary of the Interior must approve any conversion of property acquired or developed with assistance under this act to other than public, outdoor recreation use.

(4) DOT Design, Arts, and Architecture Program

To further implement NEPA, Section 106(h) and Section 4(f), the Department of Transportation inaugurated its Design, Arts, and Architecture in Transportation Program in 1978. Outlined in DOT Order 5610.1C, revised Attachment 2, the program requires that environmental impact statements document the consideration of design quality in projects which involve public use areas or sensitive locations such as parks or historic districts.

(5) Washington Forest Practices Act and Implementing Regulation

The Forest Practices Act (RCW 76.09.020) guides the management of public and private forest lands consistent with sound policies of natural resource protection. The Forest Practices Board is authorized to implement this act, including issuance of a permit to alter forest lands to non-forest uses. Implementing regulations include definitions (WAC 222-16) and application and notification procedures (WAC 222-20).

455.03 Policy Guidance

(1) DNR Forest Management Plan

Washington Department of Natural Resources is responsible for managing the state's forests for the welfare of the people of the state, through the various trust funds associated with timberlands. This responsibility includes issuing permits for alterations to forestlands.

(2) Local Plans and Policies

City and county comprehensive plans and parks and recreation plans may contain policy guidance on public lands, including significant trees or groves, wildlife habitat, parks, and recreation areas. These documents should be considered in preparing the public lands section of environmental documents.

455.04 MOUs, MOAs, and IAs

(1) National Forest Lands

A July 12, 1991 memorandum of understanding, **updated March 22, 2002**, establishes procedures for coordination of transportation activities on National Forest lands. It states the WSDOT and the USFS will agree on the needed environmental documentation and lead agency responsibility. The agreement covers coordination, project programming and planning, pre-construction, rights-of-way, construction/re-construction, maintenance, signs, access control, and third party occupancy. **The new MOU is available online via the USFS home page:**



<http://www.fs.fed.us/>

Click on Publications, then Directives, then Field Issuances, then 1000 Organization and Management – select Region 6, then 1561.9b.

Or by direct link:



http://www.fs.fed.us/im/directives/field/r6pnw/fsm/1500/1561_9b.doc

(2) Other

None identified.

455.05 Technical Guidance

(1) Section 4(f) Evaluations

The Section 4(f) evaluation is a separate analysis of impacts to covered resources that could result from one or more alternatives being considered for a transportation project. In addition to property acquisition, “constructive use” of Section 4(f) land may include impacts on aesthetics, access, air quality, noise levels, water quality, or land use in the area. The use of Section 4(f) land may involve concurrent requirements of other federal agencies. Examples include consistency determinations for the use of public lands managed by the Bureau of Land Management (BLM), compatibility determinations for the use of land in the National Wildlife Refuge System and National Park System, determinations of direct and adverse effects on Wild and Scenic Rivers (see [Section 453.05](#)), and approval of land conversion under Section 6(f) of the Land and Water Conservation Fund Act. Mitigations planned for the project should include measures to satisfy all such requirements.

Nationwide or programmatic Section 4(f) evaluations and approvals have been prepared for certain transportation projects having minor impacts (see below).

(a) WSDOT Section 4(f) Evaluation Checklist

The WSDOT checklist for preparing Section 4(f) Evaluations is attached as [Exhibit 455-1](#). The report should cover the basic NEPA requirements for affected environment, impacts, and studies and coordination as related to Section 4(f). An outline for a Section 4(f) Evaluation is attached as [Exhibit 455-2](#). For additional guidance, see [Section 411.09](#).

(b) FHWA Guidance

FHWA Technical Advisory T6640.8A (October 1987) gives guidelines for preparing environmental documents and Section 4(f). Section IX gives detailed guidance on format and content of Section 4(f) evaluations. For details, see FHWA’s home page:

 <http://www.fhwa.dot.gov/>

Click on Legislation and Regulations, then FHWA Directives and Policy Memorandums, then FHWA Technical Advisories, then T6640.8A.

Or by direct link:

 <http://www.fhwa.dot.gov/legsregs/directives/techadvs/t664008a.htm>

FHWA’s *Complete Section 4(f) Policy Paper as Revised June 7, 1989* provides comprehensive guidance on preparing Section 4(f) evaluations. The complete paper (html format), and the October 5, 1987 version plus 1989 revisions (pdf format) is available on FHWA’s web site:

 <http://www.fhwa.dot.gov/>

Click on FHWA Programs, then Environment, then Environmental Guidebook, then Section 4(f).

Or by direct link:

 <http://www.fhwa.dot.gov/environment/guidebook/chapters/v2ch15.htm>

(c) Section 4(f) Programmatic Evaluations

As an alternative to preparing an individual Section 4(f) evaluation, WSDOT may in certain circumstances have the option of applying a programmatic evaluation. A programmatic Section 4(f) evaluation specifies conditions which, if met, will satisfy the requirements of Section 4(f) that there are no feasible and prudent alternatives and that all possible planning has been done to minimize harm. These conditions generally relate to the type of project, the severity of impacts to Section 4(f) property, the evaluation of alternatives, the establishment

of a procedure for minimizing harm to the Section 4(f) property, and adequate coordination with appropriate entities. Section 4(f) park and recreation areas may have national, regional, statewide or local significance.

FHWA has prepared four programmatic evaluations to be used for projects having impacts on resources covered by Section 4(f). A separate 4(f) evaluation is not needed for projects meeting the criteria set forth in these programmatic evaluations:

Historic sites – Final Nationwide Section 4(f) Evaluation and Approval for Federally Aided Projects with Minor Involvements with Historic Sites (December 23, 1986).

Historic Bridges – Programmatic Section 4(f) Evaluation and Approval for FHWA Projects that Necessitate the Use of Historic Bridges (July 5, 1983).

Public parks, recreation lands, and wildlife and waterfowl refuges – Final Nationwide Section 4(f) Evaluation and Approval for Federally Aided Projects with Minor Involvements with Public Parks, Recreation Lands, and Wildlife and Waterfowl Refuges (December 23, 1989)

Bikeways and walkways – Negative Declaration/Section 4(f) Statement [i.e. Determination of Nonsignificance, DNS] for Independent Bikeway or Walkway Construction Projects (May 23, 1977).

These documents are available online on FHWA's web site:

 <http://www.fhwa.dot.gov/>

Click on FHWA Programs, then Environment, then Environmental Guidebook, then Section 4(f).

Or by direct link:

 <http://www.fhwa.dot.gov/environment/guidebook/chapters/v2ch15.htm>

The fact that the nationwide programmatic Section 4(f) evaluations are approved does not

mean that these types of projects are exempt from or have advance compliance with the requirements of Section 4(f). Section 4(f) does apply to each of the types of projects addressed by the programmatic evaluations. Furthermore, the programmatic Section 4(f) does not relax the Section 4(f) standards; i.e., it is just as difficult to justify using Section 4(f) land with the programmatic Section 4(f) evaluation as it is with an individual Section 4(f) evaluation.

These programmatic Section 4(f) evaluations may be applied only to projects meeting the applicable criteria. How the project meets the criteria must be documented. The documentation needed to support the conclusions required by the programmatic Section 4(f) evaluation is comparable to the documentation needed for an individual Section 4(f) evaluation.

These programmatic Section 4(f) evaluations streamline the amount of interagency coordination that is required for an individual Section 4(f) evaluation. Interagency coordination is required only with the official(s) with jurisdiction and not with the federal Department of Interior (DOI), Department of Agriculture, or Department of Housing and Urban Development (unless the federal agency has a specific action to take, such as DOI approval of a conversion of land acquired using Land and Water Conservation Funds).

(d) Projects in Wild and Scenic River Corridors

An FHWA Administrator Memorandum (June 6, 1978) discusses the applicability of Section 4(f) to projects in Wild and Scenic River Corridors. The document is online at FHWA's web site:

 <http://fhwa.dot.gov/>

Click on FHWA Programs, then Environment, then Environmental Guidebook, then Section 4(f)

Or by direct link:

 <http://www.fhwa.dot.gov/environment/guidebook/chapters/v2ch15.htm>

(2) Section 6(f) Evaluations

(a) WSDOT Discipline Report, Outdoor Recreation Property (6(f))

The Discipline Report Checklist for studies done in compliance with the Land and Water Conservation Funds Act, Section 6(f) for conversion of IAC Outdoor Recreation Property is attached as [Exhibit 455-3](#). Detailed WSDOT guidance is found in [Exhibit 455-4](#).

(b) FHWA Guidance

FHWA's online Environmental Guidebook contains documents on wilderness areas and Section 6(f) properties. Available on FHWA's web site:

 <http://www.fhwa.dot.gov/>

Click on FHWA Programs, then Environment, then Environmental Guidebook, then Wilderness Areas/Section 6(f) Properties.

Or by direct link:

 <http://www.fhwa.dot.gov/environment/guidebook/chapters/v1ch16.htm>

(3) WSDOT Environmental GIS Workbench

This GIS interface is for internal WSDOT use only. It has over 60 layers of environmental or natural resource management data. The program works with federal, state, and local agencies to maintain a collection of the best available data for statewide environmental analysis. Available data sets relevant to public lands include major public lands, national forests, national parks, national recreation areas, and public land survey. WSDOT users can access these and other data sets at:

w:\Data\GIS\GISOSC\GEODATA

For a list of current data sets, see WSDOT's environmental web site:

 <http://www.wsdot.wa.gov/eesc/environmental/>

Click on Information, then WSDOT GeoData Catalog.

Or by direct link:

 <http://www.wsdot.wa.gov/mapsdata/geodatacatalog/default.htm>

455.06 Permits

(1) Forest Practices Application

This application is required when project activities affect forest lands, defined as land capable of supporting a merchantable stand of timber and is not being actively used for a use incompatible with timber growing. See [Exhibit 455-5](#) for details.

(2) Other

None identified.

455.07 Non-Road Project Requirements

Ferry, rail, airport, and non-motorized transport systems are generally subject to the same policies, procedures, or permits that apply to road systems.

455.08 Exhibits

[Exhibit 455-1](#) – Discipline Report Checklist, Public Lands, Section 4(f).

[Exhibit 455-2](#) – WSDOT NEPA/Section 4(f) Evaluation Outline.

[Exhibit 455-3](#) – Discipline Report Checklist, Outdoor Recreation Property, Section 6(f).

[Exhibit 455-4](#) – Conversion of IAC Outdoor Recreation Property, Procedures for Section 6(f) Resolutions with IAC.

[Exhibit 455-5](#) – Forest Practices Application/Notification.

Discipline Report Checklist Public Lands, Section 4(f)

Project Name: _____ Job Number: _____

Contact Name: _____

Date Received: _____ Date Reviewed: _____ Reviewer: _____

(SAT = Satisfactory; INC = Incomplete; MIS = Missing; N/A = Not Applicable)

Answers are required for questions which have no N/A box.

I. Introduction

Reports should include a brief introduction which identified:

SAT	INC	MIS	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A. The basic requirements of Section 4(f).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	B. The Section 4(f) resource(s) affected.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	C. The alternatives under consideration that would affect the Section 4(f) resource(s).

II. Affected Environment

Report should include a description of each Section 4(f) resource:

SAT	INC	MIS	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A. A detailed map or drawing of sufficient scale to identify the relationship of the alternatives to the Section 4(f) property(ies).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	B. Size (acres or square feet) and location (maps, sketches, etc.) of the affected Section 4(f) property(ies).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	C. Type of property(ies) (recreation, historic, etc.) and ownership (city, county, state, etc.).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	D. Function of or available activities on the property(ies) (swimming, golfing, baseball, etc.).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E. Description and location of all existing and planned facilities (tennis courts, baseball diamonds, etc.).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	F. Access (pedestrian, vehicular) and usage (approximate number of users/visitors, etc.).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G. Relationship to other similarly used lands in the vicinity.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	H. Applicable clauses affecting the ownership, such as lease, easement, covenants, restrictions, or conditions, including forfeiture.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	I. Unusual characteristics (flooding problems, terrain conditions, or other features) that either reduce or enhance the value of all or part of the property(ies).

III. Impacts

Report should identify and discuss the environmental impacts **during construction** for each alternative on each Section 4(f) property (quantify where possible):

SAT	INC	MIS	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A. Acquisition of land (acres or square feet), facilities (include map), and functions.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	B. Access.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	C. Aesthetics.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	D. Air quality.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E. Noise (quantified).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	F. Water.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G. Land use in the vicinity.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	H. Functions of or available activities on the property.

Report should identify and discuss the environmental impacts **during operation** for each alternative on each Section 4(f) property:

SAT	INC	MIS	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	I. Acquisition of land (acres or square feet), if different from construction impact, and facilities (include map).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	J. Access.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	K. Aesthetics.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	L. Air quality.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	M. Noise (quantified).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N. Water.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O. Land use in the vicinity. Included impacts of growth induced by project.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	P. Functions of or available activities on the property.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Q. Identified and evaluated location and design alternatives which would avoid each and all Section 4(f) property(ies).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	R. Explained whether any avoidance alternatives which were eliminated from further detailed study are “feasible and prudent,” and, if not, stated the reasons why.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	S. Discussed all possible measures which are available to minimize the impacts of the proposed action on the Section 4(f) property(ies), commitments made and monitored procedures to minimize harm. (Detailed discussions of mitigation measures in the EIS or EA may be referenced and appropriately summarized, rather than repeated. (T 6640.8A, p. 46.)

IV. Studies and Coordination

Included discussion of species coordination with the following agencies and persons concerning avoidance alternatives, impacts, measures to minimize harm, joint development (if applicable) with the following as appropriate:

SAT	INC	MIS	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A. State Historic Preservation Officer (SHPO).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	B. Local officials with jurisdiction.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	C. Historic societies, museums, or academic institutions [DOT 5610.1C, Attachment 2, paragraph 5(a)].
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	D. Historic consultant.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E. Archaeological consultant.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	F. Advisory Council on Historic Preservation (ACHP).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G. Indian tribes.

Included the determination that there are no feasible and prudent alternatives (not normally addressed in the Draft Section 4(f) Evaluation (T 6640.8A, p. 46).

Final Section 4(f) Evaluation: (Required when the preferred alternative includes the use of Section 4(f) property(ies)).

Included all the information required for the draft evaluation.

Included discussion of why there are no feasible and prudent alternatives for each Section 4(f) property involved. The discussion shall include supporting information that demonstrates that “there are unique problems or unusual factors involved in the use of alternatives that avoid these properties or that the cost, social, economic, and environmental impacts, or community distribution resulting from such alternatives reach extraordinary magnitudes” (23 CFR 771.135(a)(2)).

Used the language in the previous paragraph to introduce the supporting evidence.

V. Feasibility and Prudence

Described all the following factors that apply to the feasibility and prudence of the alternatives:

SAT	INC	MIS	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A. Unique engineering or construction problems.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	B. Extraordinary costs.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	C. Community disruption of extraordinary magnitude.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	D. Severe adverse environmental impacts.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E. Greater impacts on this or other 4(f) lands.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	F. Failure to fulfill urgent public needs.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G. Alternatives that avoid 4(f) lands cause deterioration of property or prevent development.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	H. Other truly unusual factors.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	I. Included a discussion of the basis for concluding that the proposed action includes all possible planning to minimize harm to the Section 4(f) property.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	J. If there are no feasible and prudent alternatives which avoid the use of Section 4(f) land, the final Section 4(f) evaluation demonstrated that the preferred alternative is a feasible and prudent alternative with the least harm on the Section 4(f) resources after considering mitigation to the Section 4(f) resources.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	K. Included copies of all formal coordination comments received and an analysis and response to any questions raised.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	L. If Section 6(f) land is involved, documented the Interagency Committee for Outdoor Recreation and National Parks Service's position on the land transfer.

Included the following concluding statement:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	M. Based upon the above considerations, there is no feasible, and prudent alternative to the use of land from the (Section 4(f) property) and the proposed action includes all possible planning to minimize harm to the (Section 4(f) property) resulting from such use.
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VI. Summary

Summarize the analysis done and conclusions reached. The summary should include enough detail so that it can be included in the EIS with only minor modification.

The summary should include:

SAT INC MIS N/A

- | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A. The objectives of the project. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | B. Current land use in project area. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | C. Unique problems requiring use of 4(f) property. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | D. Impacts of all alternatives including the no-build alternative. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | E. Recommended mitigation. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | F. Comparison of alternatives based on impacts and cost effectiveness of mitigation. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | G. Agency coordination. |

General Comments: _____

February 1999

NEPA/Section 4(f) Evaluation Outline

WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION

NEPA SECTION 4(f) EVALUATION OUTLINE

M 31-11

Prepared by
Project Development Office

Transportation Building
Olympia, Washington

March 1988

SECTION 4(f) EVALUATION

(Refer to FHWA T 6640.8A, p. 44; 23 CFR 771.135; 49 USC 303.)

Section 4(f) of the Department of Transportation Act states that the FHWA will not approve the use of land from a significant publicly owned park, recreation area, or wildlife and waterfowl refuge, or any significant historic site unless a determination is made that:

- (1) There is no feasible and prudent alternative to the use of land from the property; and
- (2) The proposed action includes all possible planning to minimize harm to the property resulting from such use.

The Section 4(f) evaluation is a separate analysis of impacts to Section 4(f) resources that would be caused by the various alternatives under consideration. “Use” of Section 4(f) land is not limited to property acquisition. Significant impacts on aesthetics, access, air quality, noise levels, water quality, land use in the area, etc., may constitute “constructive use” of Section 4(f) land.

The FHWA has approved nationwide programmatic Section 4(f) evaluations for certain types of projects: projects which use minor amounts of land from publicly owned parks, recreation areas, and wildlife and waterfowls refuges; projects which use minor amounts of land from historic sites which are on or eligible for the National Register of Historic Places; projects involving historic bridges; and bikeway projects. These programmatic evaluations may be used for individual projects; however, programmatic evaluations are NOT always applicable to projects for which an EIS is prepared, unless the use of Section 4(f) lands is discovered after approval of the final EIS. Individual Section 4(f) evaluations must be prepared for projects for which one of the programmatic evaluations can not be used. (See Section 3-6 of this manual for guidance regarding the use of programmatic Section 4(f) evaluations.)

For projects processed with an EIS or an EA, the Section 4(f) evaluation should be included as a separate section of the document. For projects processed as categorical exclusions, the Section 4(f) evaluation should be a separate document. Pertinent information from various sections of the EIS or EA may be summarized in the Section 4(f) evaluation to avoid duplication. Care should be taken in documenting impacts due to constructive use. Should the FHWA decide that constructive use impacts are not substantial, and therefore, do not require a Section 4(f) evaluation, the EIS/EA must contain sufficient analysis and information to demonstrate that the resource is not substantially impaired.

The use of Section 4(f) land may involve concurrent requirements of other Federal agencies. Examples include consistency determinations for the use of public lands managed by the Bureau of Land Management, compatibility determinations for the use of land in the National Wildlife Refuge System and the National Park System, determinations of direct and adverse effects for Wild and Scenic Rivers, and approval of land conversions under Section 6(f) of the Land and Water Conservation Fund Act. The mitigation plan developed for the project should include measures which would satisfy the various requirements. For example, Section 6(f) directs the Department of the Interior (National Park Service) to assure that replacement lands of equal value, location, and usefulness are provided as conditions to approval of land conversions.

Therefore, where a Section 6(f) land conversion is proposed for a highway project, replacement land will be necessary. Regardless of the mitigation proposed, the draft and final Section 4(f) evaluations should discuss the results of coordination with the public official having jurisdiction over the Section 4(f) land and document the National Park Service's position on the Section 6(f) land transfer, respectively. (T 6640.8A, p. 44.)

The Section 4(f) evaluation must provide supporting information to demonstrate that there are unique problems or unusual factors involved in the use of alternatives that would avoid these properties, or that the cost, social, economic, and environmental impacts, or community disruption resulting from such alternatives reach extraordinary magnitudes (23 CFR 771.135(a)(2)).

- A. The following information should be included as appropriate in the Draft Section 4(f) Evaluation
1. When a separate Section 4(f) evaluation is prepared, for processing with a categorical exclusion (CE) for example, describe the proposed project, including the purpose and need for the project.
 2. A brief introduction which identifies:
 - a. The basic requirements of Section 4(f).
 - b. The Section 4(f) resource(s) affected.
 - c. The alternatives under consideration that would affect the Section 4(f) resource(s).
 3. Description of each Section 4(f) resource:
 - a. A detailed map or drawing of sufficient scale to identify the relationship of the alternatives to the Section 4(f) property.
 - b. Size (acres or square feet) and location (maps, sketches, etc.) of the affected Section 4(f) property.
 - c. Type of property (recreation, historic, etc.) and ownership (city, county, state, etc.).
 - d. Function of or available activities on the property (swimming, golfing, baseball, etc.).
 - e. Description and location of all existing and planned facilities (tennis courts, baseball diamonds, etc.).
 - f. Access (pedestrian, vehicular) and usage (approximate number of users/visitors, etc.).
 - g. Relationship to other similarly used lands in the vicinity.

- h. Applicable clauses affecting the ownership, such as lease, easement, covenants, restrictions, or conditions, including forfeiture.
 - i. Unusual characteristics (flooding problems, terrain conditions, or other features) that either reduce or enhance the value of all or part of the property.
- 4. Environmental impacts during construction for each alternative on each Section 4(f) property (quantify where possible):
 - a. Acquisition of land (acres or square feet) and facilities (include map).
 - b. Access.
 - c. Aesthetics.
 - d. Air Quality.
 - e. Noise.
 - f. Water.
 - g. Land use in the vicinity.
- 5. Environmental impacts during operation for each alternative on each Section 4(f) property:
 - a. Acquisition of land (acres or square feet), if different from construction impact, and facilities (include map).
 - b. Access.
 - c. Aesthetics.
 - d. Air Quality.
 - e. Noise.
 - f. Water.
 - g. Land use in the vicinity. Include impacts of growth induced by project.
- 6. Avoidance alternatives and their impacts.

Identify and evaluate location and design alternatives which would avoid the Section 4(f) property. Generally, this would include alternatives to either side of the property. Where an alternative would use land from more than one Section 4(f) property, the analysis needs to evaluate alternatives which avoid each and all properties (23 CFR 771.135(i)). The design alternatives should be in the immediate area of the property and consider minor alignment shifts, a reduced

facility, retaining structures, etc., individually or in combination, as appropriate. Detailed discussions of alternatives in an EIS or EA need not be repeated in the Section 4(f) portion of the document, but should be referenced and summarized. However, when alternatives (avoiding Section 4(f) resources) have been eliminated from detailed study the discussion should also explain whether these alternative are feasible and prudent and, if not, the reasons why. (T 6640.8A, p. 45.)

7. Mitigation measures, commitments, and monitoring procedures to minimize harm.

Discuss all possible measures which are available to minimize the impacts of the proposed action on the Section 4(f) property(ies). Detailed discussions of mitigation measures in the EIS or EA may be referenced and appropriately summarized, rather than repeated. (T 6640.8A, p. 46.)

8. Coordination with other agencies. The coordination should include a discussion of avoidance alternatives, impacts, and measures to minimize harm:
 - a. State Historic Preservation Officer (SHPO).
 - b. Local officials with jurisdiction.
 - c. Historic societies, museums, or academic institutions [DOT 5610.1C, Attachment 2, paragraph 5 (a)].
 - d. Historic consultant.
 - e. Archaeological consultant.
 - f. Advisory Council on Historic Preservation (ACHP).

The determination that there are no feasible and prudent alternatives is not normally addressed in the Draft Section 4(f) Evaluation (T 6640.8A, p. 46).

B. Final Section 4(f) Evaluation

When the Preferred Alternative includes the use of Section 4(f) land, a Final Section 4(f) Evaluation shall be included as a separate section of the Final EIS, or for an EA, in the FONSI. The final Section 4(f) evaluation must contain:

1. All the information required for the draft evaluation.
2. A discussion of why there are no feasible and prudent alternatives for each Section 4(f) property involved. The discussion shall include supporting information that demonstrates that “there are unique problems or unusual factors involved in the use of alternatives that avoid these properties or that the cost, social, economic, and environmental impacts, or community disruption resulting from such alternatives reach extraordinary magnitudes” (23 CFR 771.135(a)(2)).

Use this language to introduce supporting evidence. The following factors should be considered in the development of the discussion:

- (a) Feasible means that it's possible to construct using sound engineering practices. Disregard limitations and cost. The question is: Is there an alternative that avoids the 4(f) property?
- (b) Prudent means that an alternative doesn't involve extraordinary cost or community disruption. For example, if an avoidance alternative cost ten times more than other alternatives and would cause severe community disruption, it probably wouldn't be prudent. (But it would be feasible). Factors to be considered are:

(Describe all that apply.)

- (1) Unique engineering or construction problems.
 - (2) Extraordinary costs.
 - (3) Community disruption of extraordinary magnitude.
 - (4) Severe adverse environmental impacts.
 - (5) Greater impacts on this or other 4(f) lands.
 - (6) Failure to fulfill urgent public needs.
 - (7) Alternatives that avoid 4(f) lands cause deterioration of property or prevent development.
 - (8) Other truly unusual factors.
- 3. A discussion of the basis for concluding that the proposed action includes all possible planning to minimize harm to the Section 4(f) property. When there are no feasible and prudent alternatives which avoid the use of Section 4(f) land, the final Section 4(f) evaluation must demonstrate that the preferred alternative is a feasible and prudent alternative with the least harm on the Section 4(f) resources after considering mitigation to the Section 4(f) resources.
 - 4. A summary of the appropriate formal coordination with and concurrence by DOI, and as appropriate, USDA and HUD.
 - 5. Copies of all formal coordination comments received and an analysis and response to any questions raised. Where Section 6(f) land is involved, document the National Park Service position on the land transfer.
 - 6. Concluding statement as follows: "Based upon the above considerations, there is no feasible and prudent alternative to the use of land from the (Section 4(f)) property) and the proposed action includes all possible planning to minimize harm to the (Section 4(f) property) resulting from such use."



Discipline Report Checklist Outdoor Recreation Property, Section 6(f)

Project Name: _____ Job Number: _____

Contact Name: _____

Date Received: _____ Date Reviewed: _____ Reviewer: _____

(SAT = Satisfactory; INC = Incomplete; MIS = Missing; N/A = Not Applicable)

Answers are required for questions which have no N/A box.

I. Overview and Coordination

SAT	INC	MIS	N/A
-----	-----	-----	-----

- | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A. Determined if the project use or impact Outdoor Recreation property as described in Chapter 3-7 of the <i>Environmental Procedures Manual</i> ? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | B. Identified owner of Recreation property. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | C. Coordinated with owner of Outdoor Recreation property. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | D. Written agreement from owner to relinquish Recreation property included. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | E. Coordinated with WSDOT Real Estate Services for appraisal of property. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | F. Coordinated with owner to identify replacement property of equal value. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | G. Coordinated with IAC and owner concerning conversion package. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | H. Prepared conversion package and submitted to owner (sponsor). <ol style="list-style-type: none">1. Sponsor submits conversion package to IAC.2. IAC staff reviews conversion package.3. If federal 6(f) funds involved, IAC submits conversion package to National Park Service for review/concurrence.4. IAC sends approved conversion package to sponsor.5. Sponsor signs conversion package and returns one copy to IAC. |

SAT INC MIS N/A

6. Sponsor sends copy of signed conversion package to WSDOT region.

7. IAC will coordinate with sponsor and allow conversion to proceed.

☐ ☐ ☐ ☐ I. Sent copy of signed conversion package to OSC and Region Real Estate Services.

☐ ☐ ☐ ☐ J. Sent copy of signed conversion package to Region Real Estate Services.

☐ ☐ ☐ ☐ K. Sent copy of signed conversion package to OSC Environmental.

General Comments: _____

February 1999

Conversion of IAC Outdoor Recreation Property Procedures for Section 6(f) Resolutions with IAC

INTRODUCTION

Recreational property acquired or developed with grant assistance from any Interagency Committee for Outdoor Recreation (IAC) source obligates the title holder to follow IAC conversion policies if the property is to be converted to nonrecreational use.

Conversion of recreational property acquired or developed with Land and Water Conservation Funds (section 6(f) of the Land and Water Conservation Act) to purposes other than public outdoor recreation requires Section 6(f) compliance. This section requires agencies to secure IAC and National Park Service (NPS) approval before converting the property to uses other than outdoor recreation.

Similar approvals will be required for any property acquired or developed with funds from the Outdoor Recreation Account (RCW 43.99.080) created under the “Marine Recreation Land Act of 1964” and funded from any (IAC) source. The IAC staff will evaluate each conversion request to determine the steps required for IAC concurrence.

These guidelines are provided to assist in the steps leading to the required approval to convert outdoor-recreation property and to identify procedures for replacing converted outdoor recreation property where IAC or Land and Water Conservation Funds was used.

REFERENCES

Land and Water Conservation Fund Act Title 16, Part B, 16 USC 460L 4-11 (Public Law 88-578).

IAC Manual No. 3, Section 03.09, 03.10, 03.28, 03.28A, 03.28B, 03.29, 03.30, and Appendix H.

IAC Manual No. 7, Section 07.19, 07.19A, and 07.19B.

Land and Water Conservation Fund Grants Manual Chapter 650.2.

Marine Recreation Land Act – Initiative Measure No. 215.

Marine Recreation Land Act of 1964 Title 43 RCW Chap. 43.99.

RCW 43.99.100 Conversion of Marine Recreation Land to Other Uses – Approval – Substitution.

Title 286 WAC – Interagency Committee for Outdoor Recreation – WAC 286-24-050 Restriction on Conversion of Facility to Other Uses.

DEFINITIONS

Section 6(f) of the Land and Water Conservation Fund Act of 1965

No property acquired or developed with assistance under this section shall, without the approval of the Secretary (of the Interior), be converted to other than public recreation uses. The Secretary shall approve such conversions only if he finds it to be in accord with the then existing comprehensive state outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of the recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

Interagency Committee for Outdoor Recreation (IAC)

The IAC was created in 1964 with the passage of the Marine Recreation Act, Chapter 43.99 RCW. This Act designated IAC as the administering agency of an outdoor recreation grant-in-aid program for state and local agencies of government.

The IAC administers funds from various sources. These funding sources include:

State Bond Monies

Chapter 12 of the Extraordinary Session of 1963 provides for the sale of bonds that are available for outdoor recreation projects.

Land and Water Conservation Fund (LWCF) – 6(f)

This continuing source of funds is administered by the Department of Interior, National Park Service (NPS) and the IAC. All projects funded with 6(f) must follow federal rules and regulations.

Off-Road Vehicle Funds (ORV)

This account is funded through ORV permits and a portion of the gasoline excise tax.

Initiative 215 – Marine Recreation Land Act

An act providing for the use of monies, derived from existing motor vehicle fuel taxes paid by purchasers of fuel used in watercraft and not reclaimed by them as presently allowed by law, for the acquisition or improvement of land on fresh or salt water for marine recreational purposes. The act provides methods for determining the proportion of motor vehicle tax paid for marine fuel, and it provides for distributing the unreclaimed monies one-half to the state and one-half to local government units. The act also creates a committee for outdoor recreation and makes appropriations.

Initiative 215 funds are outlined in the Marine Recreation Land Act, Initiative 215, Section 6 Outdoor Recreation Account. These funds include: monies from the Marine Fuel Tax Refund Account; proceeds from the bond issue

authorized by Chapter 12, Laws of 1963, Extraordinary Session (an act providing funds for the development of outdoor recreational facilities in the state through the sale of general obligation bonds); and monies made available by the federal government for outdoor recreation not specifically designated for another fund or agency.

WAC 286-24-050 – Restriction on Conversion of Facility to Other Uses

Sponsors shall not at any time convert any property or facility acquired or developed with money granted to the sponsor by the interagency committee to uses other than those for which the property or facility was originally approved for funding without the prior approval of the interagency committee, in the manner provided by RCW 43.99.100 for marine recreation land, whether or not the property was acquired with Initiative 215 (Marine Recreation Land Act) funds.

RCW 43.99.100 Conversion of Marine Recreation Land to Other Uses – Approval – Substitution

Marine recreation land with respect to which money has been expended under RCW 43.99.080 (Outdoor Recreation Account) shall not, without the approval of the committee, be converted to uses other than those for which such expenditure was originally approved. The committee shall only approve any such conversion upon conditions which will assure the substitution of other marine recreation land of at least equal fair market value at the time of conversion and of as nearly as feasible equivalent usefulness and location.

Sponsor

The agency with jurisdiction over the recreation property that is to be converted becomes the project sponsor once the agency has agreed to conversion.

Applicant

The agency that wishes to convert the recreation property, for our purposes WSDOT.

Conversion Package

This refers to the information required by the IAC staff to get IAC concurrence or, in the case of recreation property acquired or developed using Land and Water Conservation Funds (6(f)), Department of Interior, National Park Service concurrence. This term will apply to all conversions that use IAC assistance.

PROCEDURES

A. 6(f) DOCUMENT PREPARATION AND COORDINATION

When it has been determined that a project will require the use of outdoor recreation property, the applicant (Region) must contact the agency with jurisdiction over the

recreation property. This initial contact may be on an informal basis and should include the following: (1) Determine if IAC assistance was used in acquiring or developing the property. If there was no IAC involvement, the following procedures are not appropriate. (2) It must be determined that the agency in question is willing to relinquish the property and accept the proposed replacement property. (3) The local agency (sponsor) should also be informed of the need to coordinate with the IAC. The applicant, sponsor and IAC should begin informal coordination/discussions early in the project.

Once an agreement has been reached and the sponsor has agreed to relinquish title to the property in question for suitable replacement recreation property, the applicant (Region) must complete the following procedures:

1. Coordinate with the sponsor and IAC staff. IAC staff will evaluate the procedures required for successful conversion of the outdoor recreation property. This evaluation will be based, in part, on the funding originally used to acquire or develop the outdoor recreation property in question. Execution of this step early in the process is vital if the conversion is to be completed in a timely manner.

The IAC generally meets three times a year, in March, July, and November. Proposals must be submitted to the IAC staff two months prior to the next scheduled meeting to be on the IAC agenda. The IAC staff will review the proposal and prepare recommendations for the IAC. The IAC will generally arrive at a decision at the IAC meeting. Formal notification from IAC will follow in approximately 7 days. If the outdoor recreation property in question used 6(f) funds, a minimum of 60 days must be allowed for Department of Interior (DOI) concurrence. Formal notification from the IAC can be expected about 30 days after DOI concurrence.

2. Obtain from the sponsor an agreement in writing to relinquish the outdoor recreation property and to accept the replacement property, if approved by the IAC.
3. Prepare an Environmental Impact Assessment (EIA) as per IAC Manual No. 7, Section 07.19A and the Land and Water Conservation Fund Grants Manual Chapter 650.2 (see attached). This document should include: a description of the proposed action, alternatives to the proposed action, environmental impacts and a list of agencies and individuals contacted.
4. Obtain an appraisal of the outdoor recreation property as outlined in IAC Manual No. 3. This appraisal may be done by WSDOT Real Estate Services (IAC Manual No. 3 Section 03.10 notes that RCW 39.33.010 provides for the transfer of public land from one agency to another without compensation; however, an appraisal is required to establish the fair market value).
5. Identify and obtain an appraisal of the proposed replacement property. The fair market value of the replacement property must be at least equal to the outdoor recreation property to be converted. The replacement property must be of reasonably equal recreational value. The property must also meet the following

IAC criteria; it must be a viable recreation area on its own or it must be part of an existing recreation area. The replacement property must ultimately be administered by the same political jurisdiction as the original outdoor recreation property to be converted and must be identified in that agency's Comprehensive Recreation Plan.

6. If the appraised value of either the outdoor recreation or replacement parcel is greater than \$5,000.00, the appraisal is subject to an Appraisal Review. This review must follow the guidelines as stated in IAC Manual #3 Section 03.29, 03.30 and Appendix H, which state, in part, that the Appraisal Review will be performed by the WSDOT Appraisal Review Section. The WSDOT Appraisal Review Section is located in WSDOT's Olympia Service Center (OSC), with satellite locations throughout the Regions. This Appraisal Review must then become a part of the conversion package submitted to the IAC for approval.
7. For conversions that constitute a significant change and include federal assistance, a Clearinghouse review will be required. This step requires the sponsor to submit the information concerning conversion to the Intergovernmental Agency Review. This information will be published for review and comment by interested agencies and individuals.

B. REVIEW AND APPROVAL

1. Once the appraisals and Environmental Impact Assessment have been completed, the Region shall begin to prepare a conversion package for presentation by the sponsor to the IAC and, if required, the National Park Service for concurrence. This package should include the above noted EIA, the appraisal of the outdoor recreation and replacement property, the Appraisal Review (if necessary) and any coordination/agreements between WSDOT and the sponsor. A boundary map showing the existing and proposed boundary of the recreation property is required. A map showing the boundary of the replacement property and a location map is also required.
2. Upon completion of the draft conversion package, the Region submits the package to the WSDOT Project Development Engineer for review and concurrence.
3. Upon receiving OSC concurrence, the Region submits the draft conversion package to the sponsor for review and concurrence. A copy of the transmittal letter to the sponsor is submitted to OSC.
4. Upon concurrence by the sponsor, the sponsor will submit the final conversion package to the IAC for IAC and/or NPS concurrence. A letter requesting approval of the conversion and noting that all other alternatives have been evaluated and rejected on a sound basis must accompany the conversion request package. (If the conversion involves federal participation/concurrence this evaluation of alternatives would be included in the EIA.)

5. The request will be reviewed and submitted by IAC staff to the IAC Committee and, if required, the NPS for concurrence. Upon concurrence the conversion package is made a part of the permanent IAC project file and kept for future record. An amendment approving the conversion is sent to the sponsor.
6. The sponsor, upon receipt of the amendment approving the conversion, will execute the amendment and send an original to the IAC and a copy to the applicant.
7. After the conversion is approved the properties may be exchanged. However, no action may be taken without direction by the IAC.

C. DISTRIBUTION

Copies of the signed conversion amendment will be sent to the following:

WSDOT Region Real Estate Services
WSDOT OSC Real Estate Services
WSDOT Environmental Affairs Office
WSDOT Region Environmental
WSDOT OSC Location Design

April 1989 /Rev. March 2001

Forest Practices Application/Notification

WHO APPLIES

Region.

WHO GRANTS

Department of Natural Resources (DNR) Area Office.

CONDITIONS REQUIRING

When conducting activities (e.g., road construction, pit site work, pesticide use, work affecting the waters of the U.S. within forest lands, reforestation) in areas that are by definition considered to be “forest land” (RCW 76.09.020). Forest Land means all land that is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. A merchantable stand of timber is a stand of trees that will yield logs and/or fiber suitable in size and quality for the production of lumber, plywood, pulp, or other forest products and of sufficient value at least to cover all the cost of harvest and transportation to available markets.

The four classes of forest practices are not all applicable to WSDOT projects because the Forest Practices Act is directed toward timber harvesting and reforestation. Only Classes II and IV forest practices are applicable.

A Class IV approval is required when new right of way acquired by WSDOT supports a merchantable stand of timber. The approval is needed, regardless of the number of board feet being harvested, where forested land is being converted to nonforest use. “Conversion to a use other than commercial timber operation” shall mean a bona fide conversion to an active use which is incompatible with timber growing.

Once the purchased right of way has been converted to a nonforest land use, such as a highway corridor or rest area, no further permits are required from DNR for the cutting of trees on the right of way.

A Class II Forest Practices Application must be filed with DNR for renewal of a Class IV application when there has been no action taken within one year.

WHEN TO INITIATE

The Region contacts the DNR Area Office and the county or local government as soon as the amount of right of way being converted from forest land can be determined during the project’s environmental documentation and design phase. The Region may schedule an early review of a proposed application with the DNR prior to the official filing, or submit an application with a delayed effective date. Such early review allows DNR to comment on any concerns prior to the official filing (WAC 222-20-090). The coordination with local government should be done in

order to obtain their concurrence with the plans, since they can block the issue of the Forest Practice Approval (RCW 76.09.050 [6,11] and RCW 76.09.240).

The Forest Practice Application/Notification form should be submitted to the DNR Area Office a minimum of 60 days prior to commencing a forest practice.

TIME REQUIRED

Usually 30 to 60 days. Processing time may be less if agreed upon by DNR and local government.

A properly completed application shall be approved, approved with conditions, or disapproved within 30 calendar days for Class IV forest practices except where the DNR has determined that a detailed environmental statement must be made. In that case, the application must be approved, approved with conditions, or disapproved within 60 calendar days, unless the Commissioner of Public Lands promulgates a formal order specifying a later date for completion of the detailed environmental statement and final action on the application.

Unless the county has waived its rights under the act or consents to approval, DNR cannot approve an application involving lands to be converted to another use (Class IV practice) until 14 business days have elapsed from the date DNR transmits the application to the county.

If DNR fails to approve or disapprove an application or any portion thereof within the applicable time limit and the county has not objected and no additional environmental documents are needed, the application shall be deemed approved and operations may commence.

APPLICATION REQUIREMENTS

The application must contain a description of the type of forest practice involved, the legal description of the land, and name of owner and participants. A map, to the scale of 1 inch to 1,000 feet, must be included. The map must show the details as described on the application form.

An environmental checklist is necessary for all Class IV applications. DNR transmits copies of the application and the checklist to Department of Ecology, Department of Wildlife, Department of Fisheries, and the county having jurisdiction.

PERMIT COST

No cost.

PERMIT DURATION

One year (RCW 76.09.60(6)).

PERMIT RENEWAL

A Class II application is filed as long as the forest practices have not changed.

CONTACT FOR INFORMATION

DNR Area Office – addresses and phone numbers can be found in *Design Manual* Chapter 240.

LAW AND REGULATION REFERENCES

RCW 76.09

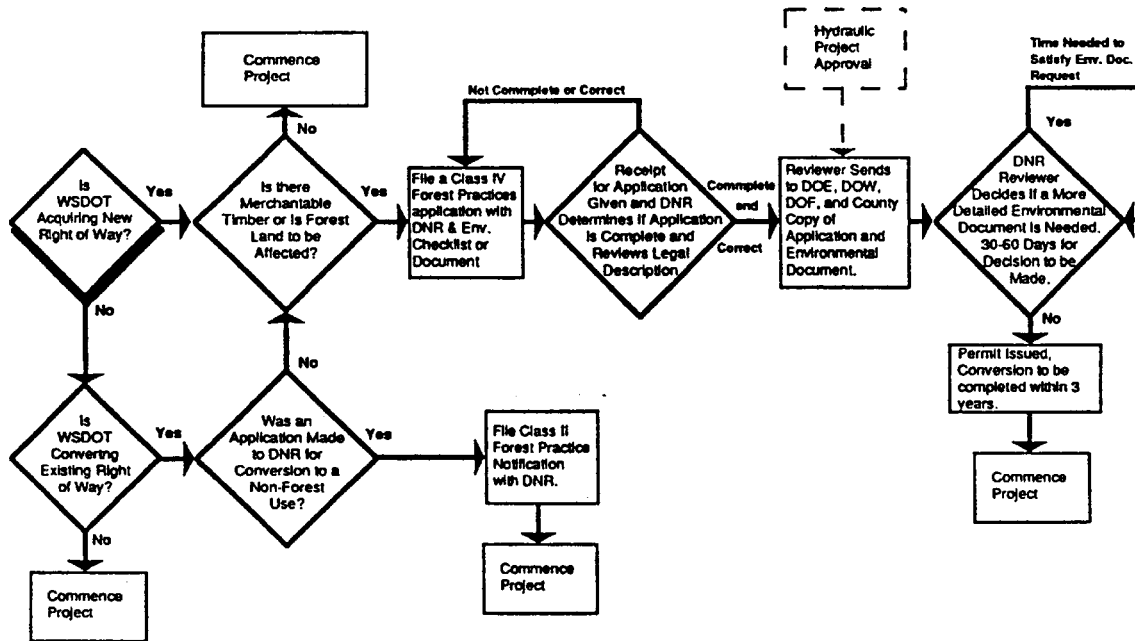
WAC 222

CONSEQUENCES FOR VIOLATION

Civil fines of \$500 per violation per day and/or lawsuit stopping defendant from any forest practice for up to one year. Criminal fine of \$100 to \$1,000 or up to one year in jail per violation. District Court may require defendant to correct problems (RCW 76.09.140, .170, .190; WAC 222-46).

April 1989 /revised March 2001

Forest Practices Permits



INSTRUCTIONS FOR COMPLETING FOREST PRACTICE APPLICATION/NOTIFICATION FORM

PLEASE READ INSTRUCTION SHEET BEFORE MAKING ANY ENTRIES ON THE APPLICATION/NOTIFICATION FORM.

ASSISTANCE IS AVAILABLE AT THE REGIONAL OFFICE, DEPARTMENT OF NATURAL RESOURCES OR TELEPHONE 1-800-527-3305 AND ASK OPERATOR FOR THE REGION WHERE YOUR PROPERTY IS LOCATED (SEE NOTE ON NUMBER 18). IF YOU INTEND TO CONVERT TO OTHER THAN TIMBER PRODUCTION, SEE ITEM 17. LOCAL GOVERNMENT MAY HAVE ADDITIONAL REGULATIONS THAT APPLY.

TYPE OR PRINT IN PERMANENT BLACK INK AND FILL-IN LINES AND BOXES IN ITEMS 1-17. SHADED AREAS ARE FOR AGENCY ONLY. USE LEGAL SIGNATURE IN BLOCK 18.

NOTE REQUESTS, UPLAND MANAGEMENT AREAS (UMAS) AND RIPARIAN MANAGEMENT ZONES (RMZ'S). RMZ'S ARE REQUIRED ON TYPE 1, 2, AND 3 WATERS (SEE WAC 222-30-020(4)). UMAS ARE VOLUNTARY SET-ASIDE AREAS BY THE LANDOWNER FOR WILDLIFE WHERE THERE IS NO DISTURBANCE OR FOREST AREA IS MANAGED FOR WILDLIFE. PLEASE CONSULTANT DEPARTMENT OF WILDLIFE REGIONAL OFFICE IF YOU INTEND TO LEAVE UMA'S.

Complete the form and the required map. Incomplete forms or maps and false information are grounds for disapproving the application. SEE MAP SYMBOLS AND INSTRUCTIONS. YOU MAY CHANGE APPLICATION BY WRITTEN NOTICE AND DEPARTMENT ACCEPTANCE OR APPROVAL OF CHANGE(S). A NEW APPLICATION MAY BE REQUIRED.

RENEWAL Applications: Enter prior application or notification number in the blank and complete the signatures in Item 18 of the form. If a Hydraulic renewal is needed, fill in Item 16 and check the block near the top of the form. Forest practices renewals may be accepted if there are no significant changes in the previous accepted notification or approved application. Minor changes should be noted in the appropriate blank(s) of the form and shown on the map, if possible. Renewals are subject to the forest practices rules in effect at that time. (See WAC 222-16-050(4)(b)(iii)).

Describe your operation using appropriate blanks on the form. Use additional sheet(s) if there is not enough space on the application/notification form.

Item numbers below refer to the item numbers on the application/notification form.

- 1-3. Print the name, address and phone number of the operator(s), landowner(s) and timber owner(s). If there is more than one of each, use a supplemental sheet.
4. It is unlawful to harvest timber unless you are registered with the Washington State Department of Revenue. (See RCW 82.32.030.) If any timber is to be harvested, enter the tax number and legal name of the timber owner paying the Forest Excise Tax to the Department of Revenue. Enter the type of legal entity and the unified business identifier number. If you have questions about the tax or numbers, call 1-800-548-TTAX, Washington State Department of Revenue.
5. Print the name of the County where your forest practices operation is located. More than one County can be listed on the same form if your operation crosses boundaries.
6. If operation is within the boundary of an incorporated city or town, print the name.

7. Indicate whether the operation is occurring on land platted after Jan. 1, 1960. Call County Assessor if uncertain or tax lot/parcel number unknown. (Information may be on your real estate tax statement.)
8. If operation is within 500 feet of any public park (port, city, county, state, federal) boundary or is an inholding, print the name of the park.
9. Enter the complete legal description of operation(s) using subdivision, section, township, and range (East or West). Describe subdivisions by 40-acre tract, government lot, or portion. If a conversion, also enter parcel, or tax lot number. WAC 222-30-020(6) requires that you indicate if there are any critical wildlife habitats on or near your operation. Refer to the Forest Practices Board Manual for Federal Threatened and Endangered Species and for other critical wildlife habitat. If any are present, note them in Item 9 and identify on the operation map. Call Regional office, Department of Wildlife for information.
10. Indicate whether operation is on unstable or highly erodible soils. Slumps, slides, exposed soil and avalanche paths, etc. Indicate soil movement and possible instability. Fine, loose soils and scoured stream channels may indicate erodible soils. Contact Regional office of Department of Natural Resources about soils maps and information. Percent slope means the vertical rise in feet of elevation over a 100 foot horizontal distance, e.g., 10 foot rise over 100 feet horizontal distance is 10% slope. Slope percentage can be calculated from measurements on topographic maps or by use of a clinometer on the site. Enter slope percentage for both the steepest 10 percent of operation areas and the general or average slope.
11. Enter the approximate start and end dates of the total operation.
12. Enter each type of operation: road construction, clearcut logging, partial cutting, land clearing, aerial spraying, etc. One or several types of operation(s) may be entered. Check and see that each operation corresponds with the legal description in Item 9, i.e., 9A and 12A, 9B and 12B, etc. If advance roading, indicate area to be served.
13. Method of operation and type of equipment: state how each type of operation is planned to be accomplished. For example, logging may be skyline, balloon, high lead, tractor skidding, etc.: dormant spraying may be aerial, hand, etc; road construction may include ridgetop road with bulldozer, midslope road with bulldozer and shove, betterment with grader and small bulldozer, etc.; and site preparation may include hand methods, bulldozer with land clearing teeth, cable scarification, broadcast burning or pile and burn, etc.
14.
 - A. Enter the acreage of each operation except roads.
 - B. Enter the miles of road to be constructed (include rebuilt roads) on each operation, show on the attached map(s). If road abandonment is planned, mark yes box and show planned road abandonment on map.
15.
 - A. Enter the estimated total timber volume to be cut on this operation and
 - B. the percent of stand in the one-year period of the application. (Reforestation requirements and Shoreline Management Act may apply. See Items 16 and 17.)
16. If you are operating within or above the ordinary high-water mark of any water, you may need a Hydraulic Project Approval. By filling out this item, you are applying for that approval. Indicate activities and structures by water type for your operation(s). If operation is within 200 feet of a shoreline of statewide significance or a shoreline of the state, contact local government about additional regulations or conditions.

Check box indicating whether or not you are aware of water intake(s) on or within ¼ mile of the operation.

Indicate the proposed starting and ending dates for forest practices that may involve water.

(For water types, see WAC 222-16-030 of the Forest Practices Rules, and water type maps supplied by the Department.) Sketch on the map any water intakes and additional waters that you know of on the operation.

17. Indicate whether the land will be converted to a use other than timber production. (A Landowner's signature or suitable signed consent form is required for any conversion.) If land use will be other than timber production a detailed statement signed by the landowner must be attached containing: a. the proposed use of the land, b. the method, c. the date land clearing and slash abatement will be completed. If land is or is to be platted or developed within three or within six years, indicate the date local government site or platting approvals or permits were approved. Lands not converted within three years are to be reforested (unless exempt). If conversion is not stated at time of harvest, local government may deny permits for land use changes up to six years. (See WAC 222-20-050, RCW 76.09.060.)

Agricultural conversions must state whether to cropland or pasture and the expected date land will be in production. (Unimproved stump land is not considered a conversion to agricultural use.)

Conversions for residential purposes (two or more family residences) must state (1) the approximate date local government will act on short plat or subdivision plat, (2) road locations and the date these roads will be completed and whether to approved private or public road standards. Other conversions, such as: gravel pits and roads for other than forestry purposes, industrial areas, single family dwellings and recreation parks must state: I. The location of any roads, and II. The completion date for conversion of the application area.

Indicate date(s) or hearing(s) for zone changes or other hearings (i.e., shorelines).

In all cases of conversion(s), there may be special requirements not listed in these instructions; these are only general guidelines and are not intended to answer all conversion requirements. (NOTE: Utility rights-of-way are not considered conversions and may be processed as in Item 18.)

The operator is responsible for post-harvest site preparation unless the landowner assumes the responsibility (WAC 222-30-090). Enter the name of person who will complete post-harvest site preparation and date of completion. Describe site preparation method: none, lop and scatter, burn, pile and burn, scarify, etc. (Site preparation and harvest should not damage soil on low productivity sites.)

If acceptable stocking will be left following harvest, indicate species and average number of stems per acre. If acceptable stocking is not to be left, check which method of reforestation you plan to use. If you check "other," specify your method on an additional sheet. Indicate reforestation species and if different than harvested species, see WAC 222-34-010 and 020. If method is to plant, write size of stock and the number of stems per acre to be planted. If you check "natural," check either seed trees or seed blocks. The seed source must be on land of the owner that is harvesting or attach an agreement to leave seed source signed by the adjacent landowner. Indicate how you propose to control competing vegetation if it interferes with reforestation of the site.

18. The operator, landowner and timber owner must sign the application or notification unless the landowner's signature is on attached consent form and the application or notification is signed by the timber owner and operator. When an operator or timber owner has a valid timber or other legal right and the landowner's signature cannot be obtained, a cash deposit, bond, or other

acceptable surety or savings account assignment must be deposited or filed in favor of the Department. The necessary Forest Practices surety forms can be obtained at your local Regional office. When surety is provided in lieu of landowner's signature, the name and address of the landowner(s) must be printed in Item 2 or on an attached sheet (see WAC 222-20-010).

NOTE: The application or notification must be delivered in person or mailed to the Regional office. Applications are valid for one year from the date of approval. Assistance may be obtained from employees of the Department of Natural Resources. Call 1-800-527-3305 for one of the Regional offices.

REGION OFFICE	COUNTIES SERVED
Central	Thurston, Lewis, Pacific, south half of Grays Harbor
Northeast	Lincoln, Spokane, Stevens, Pend Oreille, Ferry, Okanogan
Northwest	Whatcom, Island, San Juan, Skagit, Snohomish
Olympic	Clallam, Jefferson, north half of Grays Harbor
South Puget Sound	Pierce, King, Kitsap, Mason
Southeast	Chelan, Kittitas, Yakima, Klickitat, Walla Walla, Columbia, Whitman, Garfield, Asotin
Southwest	Wahkiakum, Cowlitz, Clark Skamania

Operations may begin when the applicant has a valid Department signature accepting a notification or approving an application or when the time limits in WAC 222-20-020(1) and 222-12-030 have expired, EXCEPT WHEN the operation is subject to environmental review. If environmental review is required, the review must be completed before the operation may begin.

The landowner is responsible for ensuring proper reforestation and continuing road maintenance of active and inactive roads following completion of a forest practice. Roads will be considered inactive when operations are complete. Inactive road maintenance will be required unless the landowner continues active road maintenance or properly abandons road (WAC 222-24-050).

March 1990

MAP OF OPERATIONS — INSTRUCTIONS

STANDARD MAP SYMBOLS

Use the following standard map symbols on your map as required to describe your operation(s). A scale of 1" = 1000 feet or 1" = 400 feet is recommended when details need to be shown. Clear marginal notes may be helpful. The map must show topography at a scale of 1" = 1000 or 1" = 2000 feet. Other maps require Department approval prior to acceptance of the application/notification. (Department Water Type Maps are available with water type and topography.)

Submit map on paper no larger than 8½ x 14 inches. Contact the Regional office about submitting larger maps. The map should indicate section, township and range. Remember the map is an important part of your application/notification and it should be as complete and accurate as possible. Use black ink and standard symbols. Color does not copy adequately.



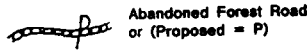
Public Road



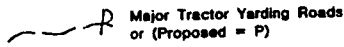
Existing Forest Road



Proposed Forest Road



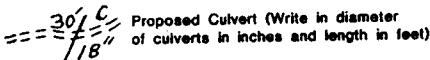
Abandoned Forest Road
or (Proposed = P)



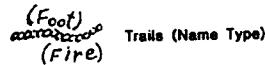
Major Tractor Yarding Roads
or (Proposed = P)



Riparian Leave Tree Area
(RLT) Type 4 Water



Proposed Culvert (Write in diameter
of culverts in inches and length in feet)



Trails (Name Type)



Roads with Water Bars



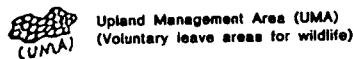
Landing or Cold Deck



Existing Bridge



Proposed Bridge (Write in Span
Length and Height Above Ordinary High Water)



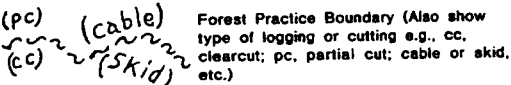
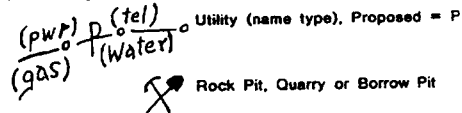
Upland Management Area (UMA)
(Voluntary leave areas for wildlife)



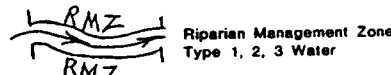
Surveyed Corner Found



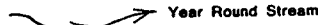
Not Found



Forest Practice Boundary (Also show
type of logging or cutting e.g., cc,
clearcut; pc, partial cut; cable or skid,
etc.)



Riparian Management Zone
Type 1, 2, 3 Water



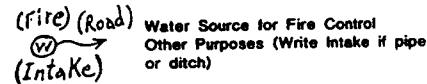
Year Round Stream



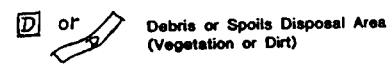
Intermittent Stream



Water Source for Chemical Mixing



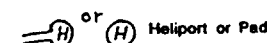
Water Source for Fire Control
Other Purposes (Write intake if pipe
or ditch)



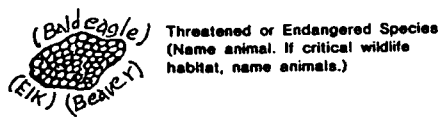
Debris or Spoils Disposal Area
(Vegetation or Dirt)



Chemical Storage Area



Heliport or Pad



Threatened or Endangered Species
(Name animal. If critical wildlife
habitat, name animals.)

Add symbols and definitions as needed for map legend. Plan and profile maps are recommended for extensive or difficult road construction.

REMEMBER, MAPS MUST ACCOMPANY EACH APPLICATION AND NOTIFICATION AND RENEWALS THAT HAVE CHANGES.

September 27, 1968

Department of Natural Resources
Central Area Office
P.O. Box 1004 (S-3)
Okechis, WA 98532

ATTN: Mr. Gene Nielsen
Area Manager

RE: L-7593, Palix River Bridge, SR-101.
Application for Forest Practices Permit.

Dear Mr. Nielsen:

Attached for your review and approval is an application for a Forest Practices Permit for the project referenced above.

We have attached a vicinity map and plan sheets to assist in your review of this application. We have attached copies of the Hydraulic Project Approval and the Shoreline Management Permit to demonstrate compliance with applicable State and local laws.

If you have any questions or need more information, please feel free to contact Steve Zaske, District Environmental Engineer, at (508)478-6338.

Very truly yours,

KEITH E. ANDRA, P.E.

Acting District Administrator

By: ED J. BLODGETT, P.E.
District Plans and Design Engineer

SEA:OUS
EJA:SDI

Attachments

cc: S.L. Chaplin
Records Control

RECEIVED			
SEP 30 1988			
CENTRAL REGION			
EN	RR	LN	
EP	LEV	LN	
EL	PAC	LN	
EV	TLL	LN	
EN	CCCC	AS	
PTC	PTC	PTT	
CON	TYS	ENC	
IT	IT	MYN	
ELM	EXO	ME	
REQ	RAND	MOY	
RAD	BLAD	FILE	

[illegible][illegible]

24. The landowner (Washington State Department of Transportation) intends to convert this land to other than commercial timber production.

Proposed use of the land: State highway right of way.

Land clearing method: approximately 1650 lineal feet of right of way 120 feet wide will be logged using tractors or skidders. The right of way will then be cleared and grubbed with dozers and a hydraulic shovel, and the stumps and slash will be piled and burned.

Date land clearing and slash abatement will be completed
September, 1965 (tentative).

The location of the new highway alignment (SR-101): will be as shown on the attached map and plan sheets. Approximately 4000 feet of SR-101 (including the new bridge) will be reconstructed to State and Federal standards.

A public hearing on the Shorelines Permit for this project was held on July 7, 1988. The permit was approved on August 9, 1988 by the Pacific County Commissioners.



STATE OF WASHINGTON
DEPARTMENT OF COMMUNITY DEVELOPMENT
OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

211 *Notes Twenty-fourth Annual Meeting, 1971* • *Journal of Herpetology* 5(2):204-211 •

October 17, 1982

Dept. of Transportation
P.O. Box 1709
Vancouver, WA 98668

La: Reference: 1180-2-DNR-01
Re: Forest Practice Application
~~2180-2-DNR-01~~
Sec. 15 T13N R10W

Dear Sarah:

We have reviewed the materials forwarded to us by the Department of Internal Revenue for the above referenced project.

In the event that archaeological or historic resources are discovered during project activities, please notify the Office of Archaeology and Historic Preservation in Olympia, Washington.

SECRET.

Robert G. Muttan, Ph.D.
State Archaeologist
(206) 733-1805

cc: 22-01

THEIR OWN LANGUAGE

DATE: October 20, 1988

FROM: Washington Natural Heritage Program
Department of Natural Resources
Mail Stop: EX-13
Olympia, WA 98504

SUBJECT: FP-04-18628

The following features were identified on the TRAX system for this proposed activity:

- ☐ E/T PLANT
☐ SPECIAL PLANT
☐ NATURAL AREA
☒ NATURAL COMMUNITY
☐ PLANT COMMUNITY

These significant natural features are not known to be in the immediate vicinity of the proposed project and are unlikely to be directly affected by it.

Sandra S. Maxwell
Signature

WASHINGTON NATURAL HERITAGE PROGRAM



WASHINGTON STATE DEPARTMENT OF
Natural Resources

BRIAN BOYLE
Commissioner of Public Affairs

OLYMPIA, WA 98504

November 28, 1968

Department of Transportation
Attention: Mr. Vic Tannetti
District 4
4200 Main Street
Mail Stop: S-15
Vancouver, WA 98663

Dear Mr. Tennant:

The Department of Natural Resources has no objections for the Department of Transportation removal of the bridge and shear beam over the Palix River, covered in SR-743.

If you have any questions, please contact me at (206) 546-6306.

Sincerely,

Steven Lee Richie
Division of Natural Resources

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